IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE
WRIT PETITION NO.9412 OF 2004
WITH
WRIT PETITION NO.9452 OF 2004
WITH
WRIT PETITION NO.10312 OF 2004

Office Note, Office Memoranda of Coram appearance, Corut's orders or directions and Registrar's Orders:

Court's or Judge's Orders

Mr.Ramrao Adik, Senior Advocate with Mr. Sachin Kadam i/b. Peter Lobo for the Petitioners
Mr.C.R.Sonawane,AGP for the Respondent No.1.
Mr. R.V. More for Respondent Nos. 2 and 3.

CORAM: F.I. REBELLO & S.P.KUKDAY, JJ.
DATE : 29th April, 2005
P.C.

. Rule. Heard forthwith.

2. The petitioners are all teachers who were appointed on oral orders on honorarium basis. Various orders have been made by this Court from time to time. Last of such orders was made by this Court in Writ Petition No.7847 of 2003 on 8th March, 2003 in the case of Kothawade Avinash Dagadu and others Vs. State of Maharashtra and others. By that judgment the teachers the teachers who were appointed on honorarium basis from 1997 and who were in service till 2001 were only to be considered for appointment as Shikshan Sevak.

3. Thereafter one more judgment came to be passed by this Court in Mrs. Rajani

Ranzaji Pagare vs. State of Maharashtra & Ors., in Writ Petition No.6658 of 2004 which was disposed of by order dated 24th August, 2004.

4. The State Government has filed an affidavit. They have no objection to the appointment of such Shikshan Sevak. The Administrative Officer of the Nasik Municipal Corporation has filed an affidavit which is taken on record.

5. The order in the case of Rajani Ranzaji Pagare (supra) covered the teachers between the period 1998 and 2001. The present petitioners are also teachers who were covered by the said period. In the light of that their case also to be considered in the like manner. In the light of that the following order;-

(i) Considering the facts and circumstances on record, as the petitioners were appointed on honorary basis in the year 1998 and were in service till 2000 (i.e. till oral termination). The respondents are directed to consider the petitioners for appointment as Shikshan Sevak if they possess requisite qualification required for the post of primary teacher i.e. D.Ed. and their appointment shall be made on the vacant

sanctioned and admissible post as of today.

(ii) If the vacant posts are less in number than the eligible candidates their selection will be made according to marks obtained by them in D.Ed. examination.

(iii) These candidates should be considered after the candidates who were appointed from the period 1997 and 2000 are accommodated against the existing post of Shikshan Sevak.

(iv) The necessary orders will be issued within 8 weeks.

(v) Rule made absolute accordingly in all the petitions. There shall be no order as to costs.

(vi) It is made clear that the present reliefs have been allowed in view of the stand by the State Government. Otherwise all other cases fo regularisation or appointment should be subject to what has been set out by the Apex Court in A.Umarani vs. Registrar of Co-operative Societies, 2004 (7) S.C.C.112 as applied by this Court.

(F.I. REBELLO, J.)

(S.P.KUKDAY, J).